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February 11, 2020

The Honorable Dora L. Irizarry
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Daniel E. Russo, 20 Cr. 23 (DLI)

Dear Judge Irizarry:

This letter is submitted in response to the Government's February 7, 2020, letter (Dkt. # 17) requesting that your Honor conduct a brief Curcio inquiry of Mr. Russo at the February 27, 2020 court appearance.

Counsel for Mr. Russo agrees that a brief inquiry is appropriate because a former associate attorney of this firm represented Dr. John Joseph, one of the physicians who allegedly wrote some of the prescriptions in this case that were subsequently filled at Mr. Russo's pharmacy.

We note that counsel for Mr. Russo will fully cooperate with Curcio counsel who has been appointed by your Honor, and we do not object to the questions outlined in the Government's letter that the Court will ask Mr. Russo at the Curcio inquiry.

We also note that Mr. Russo intends to waive any potential or actual conflict in this matter. Furthermore, to completely remove this issue from the case, we also represent that, in the unlikely event Dr. Joseph is called as a trial witness, we will arrange for counsel not associated with Brafman & Associates to conduct the cross-examination of Dr. Joseph. Moreover, because we do not believe that Dr. Joseph ever actually met Mr. Russo, we are confident that any evidence concerning Dr. Joseph might very well be admitted through stipulation. Nevertheless, if he is called as a witness, counsel from outside my firm will conduct the cross-examination.

BRAFMAN & ASSOCIATES, P.C.

Thank you for the courtesy this Court has always extended to counsel in all matters.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Brafman', with a long horizontal stroke extending to the right.

Benjamin Brafman

cc: AUSA Nomi Berenson (via ECF)